

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOSE ANTONIO CRUZ	:	CIVIL ACTION
	:	
v.	:	
	:	
GLENNIS L. CLARK	:	NO. 17-3095
STVEN M. LUSKA	:	

ORDER

AND NOW, this **31st** day of July, 2017, upon consideration of plaintiff's motion to proceed *in forma pauperis* and his *pro se* complaint, it is ORDERED that:

1. Leave to proceed *in forma pauperis* is GRANTED.
2. Plaintiff Jose Antonio Cruz, #KS-4349, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b). Based on the financial information provided by plaintiff, an initial partial filing fee of \$24.45 is assessed. The Superintendent or other appropriate official at the State Correctional Institution at Waymart or at any other prison at which plaintiff may be incarcerated is directed to deduct \$24.45 from plaintiff's inmate trust fund account, when such funds become available, and forward that amount to the Clerk of the United States District Court for the Eastern District of Pennsylvania, 601 Market Street, Room 2609, Philadelphia, PA 19106, to be credited to Civil Action No. 17-3095. In each succeeding month when the amount in plaintiff's inmate trust fund account exceeds \$10.00, the Superintendent or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to plaintiff's inmate trust fund account until the fees are paid. Each payment shall reference the docket number for this case, Civil Action No. 17-3095.

4. Plaintiff's federal claims are DISMISSED for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), and his state claims are DISMISSED for lack of subject matter jurisdiction. Plaintiff may not file an amended complaint in this case. However, his federal claims are dismissed without prejudice to him filing a new civil action against an appropriate defendant in the event his convictions are vacated or otherwise called into question, while his state claims are dismissed without prejudice to plaintiff refiling in state court.

5. The Clerk of Court shall CLOSE this case.

BY THE COURT:



MITCHELL S. GOLDBERG, J.